

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

2014 AUG 12 PM 2:14

DEPUTY CLERK

JOSEPH HERCULES NORTON, PRO SE,
also known as JOSEPH H. NORTON,
TDCJ-CID No. 676182,

Plaintiff,

V. § 2:14-CV-0040

Judge RON ENNS; KENT BIRDSONG,
Special Prosecutor; and
JOE MARR WILSON, Attorney,

Defendants.

ORDER OF DISMISSAL

Plaintiff JOSEPH HERCULES NORTON, while a prisoner confined in the Texas Department of Criminal Justice, Correctional Institutions Division, filed suit pursuant to Title 42, United States Code, section 1983 complaining against the above-named defendants and has been granted permission to proceed *in forma pauperis*.

On July 18, 2014, the Magistrate Judge issued a Report and Recommendation analyzing plaintiff's claims and recommending dismissal without prejudice for failure to state a claim on which relief can be granted.

Plaintiff filed his “Response to the Report and Recommendation” on August 4, 2014. By his Response, plaintiff appears to state he agrees with the dismissal of the case. Nevertheless, the Court has treated this document as an objection.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation, as well as the objections filed by the plaintiff.

The Court is of the opinion that plaintiff's objections should be OVERRULED and the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does OVERRULE plaintiff's objections, and does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that the Civil Rights Complaint by JOSEPH HERCULES NORTON is DISMISSED WITHOUT PREJUDICE FOR FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

All pending motions are DENIED.

The Clerk shall send a copy of this order to plaintiff and to any attorney of record. The Clerk shall also mail copies of this order to the Pro Se Clerk at the U.S. District Court for the Eastern District of Texas, Tyler Division.

It is SO ORDERED.

Signed this 12 day of August, 2014.


MARY LOU ROBINSON
United States District Judge